

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTIN TANKLEFF,

Plaintiff,

v.

**THE COUNTY OF SUFFOLK, THERESA
and BRETT MCCREADY, as legal
successors of K. JAMES MCCREADY,
NORMAN REIN, CHARLES KOSCIUK,
ROBERT DOYLE, JOHN DOE POLICE
OFFICERS #1-10, RICHARD ROE, Suffolk
County Employees #1-10,**

Defendants.

No. 09-CV-1207 (JS)(AYS)

PROPOSED JOINT PRE-TRIAL ORDER

2. Trial Counsel:

Plaintiff Martin Tankleff is represented by:

Barry Scheck
Emma Freudenberger
Richard Sawyer
Neufeld Scheck & Brustin, LLP
99 Hudson Street, 8th Floor
New York, NY 10013
bcsinnocence@gmail.com
emma@nbscivilrights.com
rick@nbscivilrights.com
(o) (212) 965-9081
(f) (212) 965-9084

Barry J. Pollack
Miller & Chevalier
655 Fifteenth Street, NW
Suite 900

Washington, DC 20005
bpollack@milchev.com
(o) (202) 626-5830
(f) (202) 626-5801

Bruce A. Barket
Barket Marion Epstein & Kearon LLP
666 Old Country Road
Suite 700
Garden City, NY 11530
bbarket@barketmarion.com
(o) (516) 745-1500
(f) (516) 745-1245

Defendants are represented by:

Brian C. Mitchell (BCM-1469)
Deputy Bureau Chief Federal Torts
Suffolk County Attorney's Office
100 Veterans Memorial Hwy
Hauppauge, New York 11788
brian.mitchell@suffolkcountyny.gov
Office (631) 853-4055
Fax (631) 853-5833

3. Subject Matter Jurisdiction:

This Court has federal question jurisdiction, under 28 U.S.C. § 1331, over claims arising under 42 U.S.C. § 1983. Title 28 U.S.C. § 1367(a) provides supplemental jurisdiction over plaintiff's state law claims.

4. Claims and Defenses remaining to be tried:

I. Claims

Plaintiff Martin Tankleff's Claims (First Amended Complaint, Case No. 2:09-CV-1207 (JS)(SIL), D.E.145-1:

- 42 U.S.C. § 1983 malicious prosecution (Count 1);
- 42 U.S.C. § 1983 fabrication of evidence (Count 2);
- 42 U.S.C. § 1983 suppression of favorable evidence (Count 3);
- 42 U.S.C. § 1983 coercion and violation of the right to counsel (Count 4);
- 42 U.S.C. § 1983 *Monell* claim (Count 5); and
- State law malicious prosecution under *respondeat superior* (Count 6).

Against the Following Defendants:

- Suffolk County (defendant under Counts 5 and 6);
- Theresa and Brett McCready, as legal successors of K. James McCready, in his individual capacity;
- Norman Rein, in his individual capacity;
- Charles Kosciuk, in his individual capacity; and
- Robert Doyle, in his individual capacity.

Plaintiff Martin Tankleff's Claims Previously Asserted and Since Dismissed (asserted in the original Complaint, D.E. 1, and dismissed by the Court's December 21, 2010 Order, D.E. 66):

- 42 U.S.C. § 1983 failure to investigate (Count III);
- 42 U.S.C. § 1983 civil rights conspiracy (Count VI);
- 42 U.S.C. § 1983 supervisory liability (Count VII);
- State law false imprisonment (Count X); and
- State law intentional or negligent infliction of emotional distress (Count XI).

The Court denied Defendants' motion for summary judgment on June 23, 2017. D.E. 191. No claims remain against John McElhone, and the Court terminated him as a defendant. *Id.*

II. Defenses

DEFENDANTS' CLAIMS AND DEFENSES

The Complaint fails to set forth facts sufficient to constitute a deprivation of any constitutional right or other basis for a civil rights claim. The Complaint fails to state a claim upon which relief can be granted.

The evidence to be introduced at the time of trial will establish that there was probable cause for the arrest and prosecution of plaintiff MARTIN TANKLEFF on September 7, 1988 and thereafter. Such evidence includes, but is not limited to the testimony of those police and other witnesses identified below. As probable cause existed for the arrest probable cause existed to commence the prosecution of the plaintiff. Plaintiff was ultimately charged by way of indictment with two counts of Murder in the Second Degree (intentional) and two counts of Murder in the Second Degree (depraved indifference). The grand jury indictment and subsequent conviction after trial establish a presumption of probable cause to believe the plaintiff committed

the crime with which he was charged. No information became known to the defendants between the arrest and prosecution that would vitiate or diminish the probable cause established at the time of the arrest or thereafter.

The defendants will further contend that the damages sustained by plaintiff, if any, were caused by plaintiff's own culpable and/or negligent conduct; that no policy, statement, ordinance, regulation or decision officially adopted and/or promulgated by the defendants or otherwise ratified by defendants authorized the deprivation of plaintiff's Constitutional rights; that the individual defendants actions were justified by the facts and circumstances presented; that the individual defendants acted reasonably and in good faith in discharge of their official duties and responsibilities; that the arrest and detention and prosecution of the plaintiff were reasonable and based upon probable cause to believe that the plaintiff had committed a crime; and that defendants acted in what they did solely pursuant to their duties and responsibilities as law enforcement officials.

The individual defendants will contend that they are entitled to judgment in their favor on the basis of absolute and/or qualified Federal and/or State immunity and that this action is barred by the doctrines of qualified and/or absolute governmental immunity for discretionary acts.

That plaintiff's claims, if any, are barred in whole or in part by the Statute of Limitations.

There is no viable constitutional claim stated or which can be proven against the municipal defendant. The evidence listed in this Joint Pre-Trial Order indicates that there is no viable Monell claim that can be asserted and that the evidence is insufficient as a matter of law to support any purported Monell claim against the foregoing municipal defendant. No such evidence exists because there was no constitutional violation in this action and there was no unconstitutional policy, practice or custom that allegedly caused the plaintiff's alleged injuries.

In addition, the defendants will contend that the County of Suffolk cannot be held liable for this isolated alleged incident under 42 U.S.C. §1983. The defendants will contend that the plaintiff cannot establish a claim upon which relief can be granted under 42 U.S.C. §1983, as against defendant County of Suffolk, because there is no liability against the individual defendants. Nor was there any evidence of unconstitutional policy causing plaintiff any cognizable injury.

The defendants will contest the true nature, extent and cause of the plaintiff's purported damages.

5. Jury Statement:

Plaintiff has demanded a jury trial and tentatively anticipates (pending *in limine* rulings) the plaintiff's case will take 15 trial days.

Defendants have demanded a jury trial and tentatively anticipates (pending *in limine* rulings) the defendants' case will take 10 trial days.

6. No Consent to trial by Magistrate Judge:

The parties do not consent to trial by a Magistrate Judge.

7. Stipulations or agreed statements of fact or law agreed to by all parties:

Plaintiff proposes a stipulation that the individual defendants were acting under color of state law and within the scope of their employment in connection with their work on the Tankleff investigation.

8. Witness Lists:

Plaintiff's Witness List:

All addresses of defendants and SCPD witness are c/o defense counsel the Suffolk County Attorney, and all addresses of plaintiff and plaintiff's family members are c/o plaintiff's counsel at Neufeld Scheck & Brustin.

Plaintiff reserves the right to call any witness identified in the Defendants' witness list.

John McElhone

Mr. McElhone was a lieutenant in the Suffolk County Police Department and will testify about the investigation of the murders of Arlene and Seymour Tankleff, his knowledge of allegations levied against the Suffolk County Homicide Squad prior to and during his tenure as the Squad's supervisor, his supervision of the defendant detectives in this case, and the circumstances under which he joined the Department.

Stuart Namm

Mr. Namm is a retired Suffolk County Judge. He will testify about prior misconduct by Suffolk County detectives and, in particular, prior perjury by James McCready.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

James McCready

Mr. McCready, now deceased, was one of the defendants. We will introduce his prior sworn testimony regarding his interrogation of Mr. Tankleff and his investigation of the murders of Seymour and Arlene Tankleff.

By designation*

**Plaintiff reserves the right to play any trial or deposition testimony by video.*

Norman Rein

Mr. Rein is one of the defendants. He will testify regarding his interrogation of Mr. Tankleff and his investigation of the murders of Seymour and Arlene Tankleff.

Robert Doyle

Mr. Doyle is one of the defendants. He will testify regarding the investigation of the murders of Seymour and Arlene Tankleff.

Vernard Adams

Dr. Adams was the Medical Examiner for Suffolk County. He will testify about the autopsies he performed on Seymour and Arlene Tankleff and information he provided Suffolk County Detectives, including his determination that there was no reasonable possibility that the knife identified in the confession was the murder weapon, and that the weapon was likely a utility knife.

Timothy Palmbach

300 Boston Post Road
West Haven, CT 06516

Mr. Palmbach is the Chair of the Forensic Science Department at the University of New Haven. He will give expert testimony consistent with his Rule 26 report.

Michael Baden, M.D.

15 West 53 Street, Suite 18
New York, NY 10019

Dr. Baden is the former Chief Medical Examiner of New York City and the former Chief Forensic Pathologist for the New York State Police. He will give expert testimony consistent with his Rule 26 report.

James Trainum

1639 Potomac Avenue SE
Washington, D.C. 20003

Mr. Trainum is a retired Washington, D.C., homicide detective and an expert in interrogation and investigation procedure. He will give expert testimony concerning the Defendants' police practices in the Tankleff investigation consistent with his Rule 26 report.

Defendants object to the testimony of this witness to the extent the witness intends to testify regarding "false confessions" or any similar theory, based upon FRE 402, 403 and Daubert v. Merrell Dow, 509 U.S. 579.

Jerry Steuerman

c/o Scaring & Carman PLLC
666 Old Country Road, Suite 501
Garden City, NY 11530

By designation*

**Plaintiff reserves the right to play any trial or deposition testimony by video.*

Defendants object to the extent that the entire testimony should be admitted for continuity.

Todd Steuerman

c/o Scaring & Carman PLLC
666 Old Country Road, Suite 501
Garden City, NY 11530

By designation*

**Plaintiff reserves the right to play any trial or deposition testimony by video.*

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Robert Gottlieb

Gottlieb & Janey LLP
Trinity Building
111 Broadway, Suite 701
New York, NY 10006

Mr. Gottlieb was Mr. Tankleff's counsel at Mr. Tankleff's criminal trial. He will testify about evidence he did and did not possess at the time of trial, including that he never learned during Mr. Tankleff's prosecution that Dr. Adams of the Office of the Suffolk County Medical Examiner had determined that there was no reasonable possibility that the "watermelon knife" was the murder weapon or that Dr. Adams had reported this finding to the police.

John Collins

210 Center Dr.
Riverhead, NY 11901

Mr. Collins was the prosecutor at Mr. Tankleff's criminal trial. He will testify about the investigation of the murders of Seymour and Arlene Tankleff and the prosecution of Mr. Tankleff, including whether he received certain information during those proceedings.

Edward Jablonski

400 Carleton Ave
Central Islip, NY 11722

Mr. Jablonski was one of the prosecutors assigned to Mr. Tankleff's case. He will testify about the investigation of the murders of Seymour and Arlene Tankleff, including whether he received certain information during those proceedings.

Martin Tankleff

c/o Neufeld Scheck & Brustin, LLP
99 Hudson Street, 8th Floor
New York, NY 10013

Mr. Tankleff is the plaintiff. He will testify about finding his parents' bodies and his interrogation by Messrs. Rein and McCready, about how he was wrongfully convicted of the murders of his parents, and about how more than 17 years of incarceration for those murders has caused him damages.

Dr. Sanford Drob

26 Court Street
Brooklyn, NY 11242

Dr. Drob is a licensed psychologist. He will give expert testimony consistent with his Rule 26 report, including expert testimony concerning Mr. Tankleff's psychological

vulnerability at the time of his interrogation and the psychological damages stemming from the years of his wrongful incarceration.

Defendants object to the testimony of this witness to the extent the witness intends to testify regarding plaintiff's psychological vulnerability at the time of his interrogation, based upon FRE 402, 403 and Daubert v. Merrell Dow, 509 U.S. 579. Defendants do not object to testimony regarding damages.

Michael Cliff

Analysis Group
800 17th Street NW, Suite 400
Washington, DC 20006

Mr. Cliff is a Vice President at the Analysis Group. He will give expert testimony consistent with his Rule 26 report concerning Mr. Tankleff's lost wages and other economic damages flowing from his wrongful incarceration.

T. Randolph Harris

260 Madison Avenue
New York, NY 10016

Mr. Harris is a partner at McLaughlin and Stern, LLP, and the co-chair of that firm's Trusts and Estates Department. He will give expert testimony consistent with his Rule 26 report concerning certain issues relating to the probate of the Will of Seymour M. Tankleff that are relevant to Plaintiff's damages.

Joseph Creedon

Mr. Creedon, now deceased, was a career criminal who specialized in violence and intimidation. We will introduce his prior sworn testimony that he knew Todd Steuerman, Glenn Harris, and Peter Kent, that Jerry Steuerman wanted to hire Mr. Creedon to have someone murdered, and that Jerry Steuerman wanted to hire someone to cut out Mr. Tankleff's tongue.

By designation*

**Plaintiff reserves the right to play any trial or deposition testimony by video.*

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Mike Carmody

Mr. Carmody was a Suffolk County police officer. He will testify about the investigation of the murders of Seymour and Arlene Tankleff.

Robert Anderson

Mr. Anderson was a Suffolk County police officer. He will testify about the investigation of the murders of Seymour and Arlene Tankleff.

Charles Kosciuk

Mr. Kosciuk was a supposed crime scene reconstructionist. He will testify about his involvement in the investigation and prosecution of Marty Tankleff.

Robert Genna

Mr. Genna was employed by the Suffolk County crime laboratory. He will testify about his role in the investigation of the murders of Seymour and Arlene Tankleff.

John Pfalzgraf

Mr. Pfalzgraf was a Suffolk County police officer. He will testify about his role in the investigation of the murders of Seymour and Arlene Tankleff.

Robert Baumann

Mr. Baumann was employed by the Suffolk County crime laboratory. He will testify about his role in the investigation of the murders of Seymour and Arlene Tankleff.

Matthew Marvin

Headquarters Laboratory
P.O. Box 670
Collinsville, MS 39325

Mr. Marvin is a forensic examiner who chemically, visually and electronically examined evidence collected from the crime scene. He will provide expert testimony consistent with his Rule 26 report.

Ron Falbee

394 Parkway Drive
Westbury, NY 11590

Mr. Falbee is a cousin of Mr. Tankleff. He will testify that he told Suffolk County police on the morning of the murders that Jerry Steuerman was the most likely perpetrator and he will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Joseph Graydon

279 Montauk Highway, Cottage 56
Westhampton Beach, NY 11978

Mr. Graydon was a career criminal who knew Mr. Creedon. He will testify that he learned that Jerry Steuerman was looking to hire someone to murder his business partner and he participated with Mr. Creedon in an effort an unsuccessful to murder Seymour Tankleff.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Brian Scott Glass
36 Champlain Street
Port Jefferson, NY 11776

Mr. Glass was a career criminal who knew Mr. Creedon. He will testify that he learned that Jerry Steuerman was looking to hire someone to murder his business partner and he informed Mr. Creedon.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Neil Fischer

Mr. Fischer performed work at a bagel store owned by Jerry Steuerman. It is our understanding that he is now deceased. We will introduce his prior sworn testimony about admissions made by Steuerman and threats made by Steuerman.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Karlene Kovacs
6 Patton Road
St. James, NY 11780

Karlene Kovacs briefly dated the brother of Mr. Creedon's girlfriend. She will testify about admissions made by Mr. Creedon that he participated in the murders of Seymour and Arlene Tankleff.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Mark T. Callahan

Mr. Callahan knew Mr. Creedon and Mr. Glass. He will testify about admissions made by Mr. Glass that he knew of the request to hire someone to murder Mr. Steuerman's business partner and that he informed Mr. Creedon about this work.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

John Guarascio
24 Parkhill Avenue

Massapequa, NY 11758

Mr. Guarascio was the brother of Mr. Creedon's girlfriend. He will testify about admissions made by Mr. Creedon that he participated in the murders of Seymour and Arlene Tankleff.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Marc Howard

(202) 415-4118

Mr. Howard went to high school with Mr. Tankleff and is a professor at Georgetown University. He will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Kathy Giordano

214 Rocky Point Landing Rd.

Rocky Point, NY 11778

Ms. Giordano knew Mr. Creedon and his associates prior to and after the Tankleff homicides. She will testify concerning incriminating admissions and behavior by Mr. Creedon and others following the Tankleff homicides.

Edward Capobianco

1801 East Lake Road

Palm Harbor, FL 34685

Mr. Capobianco knew Mr. Creedon and Todd Steuerman prior to and after the Tankleff homicides. He will testify concerning incriminating admissions and behavior by Mr. Steuerman and others following the Tankleff homicides.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Ronnie L. Weber

18 King Ave.

Selden, NY 11784

Mr. Weber knew Mr. Creedon and his associates prior to and after the Tankleff homicides. He will testify concerning incriminating admissions and behavior by Mr. Creedon and others following the Tankleff homicides.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Bobby Lynch

569 Hawkins Rd.

Selden, NY 11784

Mr. Lynch knew Mr. Creedon and his associates prior to and after the Tankleff homicides. He will testify concerning incriminating admissions and behavior by Mr. Creedon and others following the Tankleff homicides.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Salene Konapski
569 Hawkins Rd.
Selden, NY 11784

Ms. Konapski knew Mr. Creedon and his associates prior to and after the Tankleff homicides. She will testify concerning incriminating admissions and behavior by Mr. Creedon and others following the Tankleff homicides.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Edward Lloyd
29 Magnolia Dr.
Rocky Point, NY 11778

Mr. Lloyd was a dispatcher at a local taxi company at the time of the Tankleff homicides. He will testify that he reported to the Suffolk County Police that one of his drivers had observed a car idling in front of the Tankleff home the night of the murders.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Gary Gernstein
19918 Hope Hwy
Hope, AK 99605

Mr. Gernstein was a driver for a local taxi company who will testify that he observed a car idling in front of the Tankleff home the night of the murders.

Richard Wersan
2 Rye Field Ct.
Mt. Sinai, NY 11766

Mr. Wersan knew Peter Kent prior to and after the Tankleff homicides. He will testify that Peter Kent admitted involvement in the Tankleff homicides.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Eric Kvalvik

320 Buccaneer Ln.
Lake Havasu City, AZ 86406

Mr. Kvalvik was a bartender who frequently served James McCready around the time of the Tankleff homicides. He will testify about admissions Mr. McCready made concerning the Tankleff investigation, as well as his reputation for substance abuse.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Father Ronald Lemmert

Sing Sing Correctional Facility
Ossining, New York

Father Lemmert is a Catholic Chaplain at Sing Sing Correctional Facility who will testify about admissions made by Glenn Harris.

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Joseph Cecere

[By designation]

Testimony concerning the card game at the Tankleff home and observations of Jerry Steuerman.

Robert Montefusco

[By designation]

Testimony concerning the card game at the Tankleff home and observations of Jerry Steuerman.

Chris Blaise

46 Ellsworth Road
Lake George, NY 12845

Mr. Blaise was a correction officer. He will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Scott Benware

25 Hill Street
Keeseville, NY 12944

Mr. Benware was a correction officer. He will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

John Marafino

(631) 513-1837

Mr. Marafino was a sergeant in the court cells during Mr. Tankleff's criminal trial. He will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Elaine Cosgrove

Ms. Cosgrove is Mr. Tankleff's former instructor at Clinton Correctional Facility. She will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Dutch Van Alstin

725 Leffingwell Ave
Ellenton, Fl. 34222

Mr. Van Alstin was a correction officer. He will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Jonathan Bell

100 Quent N Roosevelt Blvd., Suite 208
Garden City, NY 11530

Damages Witness? If so no objection, unless basis of knowledge is hearsay.

Hon. Frederic Block

United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Judge Block is a federal district court judge whose wife was Mr. Tankleff's high school guidance counselor. He will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Defendants object on the grounds of hearsay, FRE, 802

Linda Howard Weissman

225 Eastview Drive
Central Islip, NY 11722

Ms. Howard Weissman is an assistant dean at Touro Law School. She will testify regarding Mr. Tankleff's damages.

Defendants object on the grounds of hearsay, FRE, 802

Lynne Kramer

225 Eastview Drive

Central Islip, NY 11722

Ms. Kramer is Mr. Tankleff's former professor at Touro Law School. She will testify regarding Mr. Tankleff's damages.

Defendants object on the grounds of hearsay, FRE, 802

Patricia Salkin

225 Eastview Drive
Central Islip, NY 11722

Ms. Salkin is the former Dean of Touro Law School. She will testify regarding Mr. Tankleff's damages.

Defendants object on the grounds of hearsay, FRE, 802

Peter Davis

11 Delaware Street
Huntington, NY 11743

Mr. Davis is Mr. Tankleff's former professor at Touro Law School. He will testify regarding Mr. Tankleff's damages.

Defendants object on the grounds of hearsay, FRE, 802

Robert Leonard

51 Lake Avenue
Mill Neck, NY 11765

Mr. Leonard is Mr. Tankleff's former professor at Hofstra University. He will testify regarding Mr. Tankleff's damages.

Defendants object on the grounds of hearsay, FRE, 802

Erik Brown

Mr. Brown was incarcerated with Mr. Tankleff in Clinton Correctional Facility. He will testify regarding Mr. Tankleff's damages during his years of wrongful incarceration.

Defendants object to the extent the basis of knowledge is hearsay, FRE, 802

Chris Lue-Shing

Mr. Lue-Shing was incarcerated with Mr. Tankleff in Clinton Correctional Facility. He will testify regarding Mr. Tankleff's damages during his years of wrongful incarceration.

Kyle Patterson

Mr. Patterson was incarcerated with Mr. Tankleff in Clinton Correctional Facility. He will testify regarding Mr. Tankleff's damages during his years of wrongful incarceration.

Michael LaVeglia

Mr. LaVeglia was incarcerated with Mr. Tankleff in Clinton Correctional Facility. He will testify regarding Mr. Tankleff's damages during his years of wrongful incarceration.

Steve Braga

3079 Woods Cove Lane
Woodbridge, VA 22192

Mr. Braga was one of Mr. Tankleff's post-conviction lawyers. He will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Defendants object on the grounds of hearsay, FRE, 802

Kurt Paschke

Mr. Paschke was a Suffolk County police sergeant. He will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Defendants object on the grounds of hearsay, FRE, 802

Marianne McClure

Ms. McClure is an aunt of Mr. Tankleff. She will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Mike McClure

Mr. McClure is an uncle of Mr. Tankleff. He will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Lynn Kaden

Ms. Kaden is a cousin of Mr. Tankleff. She will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Larry Kaden

Mr. Kaden is a cousin of Mr. Tankleff. He will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Kourtney Castagnola

Ms. Castagnola is Mr. Tankleff's adopted daughter. She will testify about damages caused to Mr. Tankleff as a result of his wrongful conviction.

Defendants object to the extent the basis of knowledge is hearsay, FRE, 802

DEFENDANTS' WITNESSES***

***Plaintiff preserves all objections to inadmissible testimony from any witness offered by Defendants at trial, regardless of whether specified herein. Plaintiff reserves the right to call any witness listed below at trial, regardless of whether Defendants call that witness.

The defendants reserve their right to offer the relevant and admissible testimony of any and all witnesses identified by the plaintiff, whether or not the plaintiff actually calls such witnesses at the time of trial. (Such witnesses are hereby incorporated by reference.)

In addition to the parties the defendants anticipate calling the following witnesses:

Suffolk County Police Officer James Crayne

Suffolk County Police Officer Daniel Gallagher (Retired)¹

Police Officer Edward Aki

All will testify regarding arrival at 33 Seaside Drive, observations of the scene and victims and communications with and observations of the plaintiff.

Suffolk County Detective John Pfalzgraf (Retired)

Suffolk County Detective Michael Carmody (Retired)

Suffolk County Detective Robert Anderson (Retired)

¹ All retired Suffolk County Police personnel, Crime Lab employees, or other persons previously employed by the County of Suffolk will be produced at trial upon reasonable notice without need for subpoena by the plaintiff.

All will testify regarding their involvement in the investigation of the homicides that occurred at 33 Seaside Drive.

All of the above witnesses, c/o Suffolk County Police Department, 30 Yaphank Avenue, Yaphank New York 11980.

Suffolk County Crime Lab Forensic Scientist Robert Bauman

Plaintiff objects to the extent Defendants intend to elicit expert testimony from this witness, as Defendants did not disclose Mr. Bauman as an expert and no expert report was served. Fed. R. Evid. 702; Fed. R. Civ. P. 26(a)(2). [

Suffolk County Crime Lab Forensic Scientist Robert Genna

Will testify regarding their gathering, examining, testing and results of forensic evidence recovered from the crime scene at 33 Seaside Drive.

Plaintiff objects to the extent Defendants intend to elicit expert testimony from this witness, as Defendants did not disclose Mr. Genna as an expert and no expert report was served. Fed. R. Evid. 702; Fed. R. Civ. P. 26(a)(2)

Suffolk County Medical Examiner's Office Forensic Scientist Charles Wagner

Will testify regarding serology testing and results

All of the above witnesses, c/o Suffolk County Medical Examiner's Office, North County Complex, Hauppauge, New York 11788.

Plaintiff objects to the extent Defendants intend to elicit expert testimony from this witness, as Defendants did not disclose Mr. Wagner as an expert and no expert report was served. Fed. R. Evid. 702; Fed. R. Civ. P. 26(a)(2)

Former Suffolk County Deputy Medical Examiner, Dr. Vernard Adams,

400 North Ashley Drive, Suite 1900, Tampa, Florida 33602

Will testify regarding his examination of Arleen Tankleff at the scene, and his autopsy of Mrs. Tankleff and Seymour Tankleff as well as his findings.

Assistant District Attorney Edward Jablonski, Office of the Suffolk County District Attorney, 77 North County Complex, Hauppauge, New York 11788

Will testify regarding his observations and conversations with the plaintiff on September 7, 1988, his involvement in the prosecution of the plaintiff, his involvement in locating witness Jerry Steuerman after the arrest of the plaintiff, and conversations he had with Medical Examiner Vernon Adams relating to this case and other cases contemporaneously to the presentation of the case against the plaintiff to the grand jury.

Former Assistant District Attorney John Collins, c/o New York State Office of Court Administration.

Will testify regarding his involvement in the prosecution of the plaintiff including his preparation of witnesses for trial and conversations he had with Dr. Vernard Adams regarding the autopsies of Arlene and Seymour Tankleff.

Ethel Curley, RN, 14 Cresent Rd., Port Jefferson, New York 11777

Will testify regarding her arrival at 33 Seaside Drive, her interaction with both Arlene and Seymour Tankleff and attempts to provide medical aid, and her interaction and communications with the plaintiff.

Ron Rother, 30 Highview Drive, Selden, New York 11784

Will testify regarding his interaction, observations and conversations with the plaintiff on September 7, 1988 as well as his observations and conversations with the plaintiff in the months following September 7, 1988.

Plaintiff objects to Mr. Rother's testimony on grounds of relevance, Fed. R. Evid 401–402, and as more prejudicial than probative under Fed. R. Evid. 403.

Shari Mistretta, 21 Ficus Street, Port Jefferson Station, New York 11776.

Will testify regarding her conversations with the plaintiff on September 7, 1988 as well as her observations and conversations with the plaintiff in the months following September 7, 1988.

Plaintiff objects to Ms. Mistretta's testimony on grounds of relevance, Fed. R. Evid 401–402, and as more prejudicial than probative under Fed. R. Evid. 403.

Chief Donald Hines, Belle Terre Constabulary (by way of trial testimony)

Testimony describes interaction with the plaintiff on the morning of September 7, 1988 and conversation with the plaintiff regarding his father.

Plaintiff objects on grounds of relevance, Fed. R. Evid 401–402, hearsay, Fed. R. Evid. 802–803, and as more prejudicial than probative under Fed. R. Evid. 403.

John McNamara, (by way of trial testimony)

Testimony describes interaction with the plaintiff on the morning of September 7, 1988 and conversations with the plaintiff regarding the events of that morning.

Plaintiff objects on grounds of relevance, Fed. R. Evid 401–402, hearsay, Fed. R. Evid. 802–803, and as more prejudicial than probative under Fed. R. Evid. 403.

Rebuttal Expert Witnesses (in the event the Court permits testimony by plaintiff's police/confession expert James Trainum).

Joseph Blaettler, East Coast Private Investigations of New Jersey, LLC.; P.O. Box 219, Brookside, New Jersey 07926

Will offer expert testimony regarding the methods and procedures used by the defendants in the interview of the plaintiff, as well as the investigation of the homicides at 33 Seaside Drive, and in rebuttal of the anticipated testimony of James Trainum.

Plaintiff objects under Fed. R. Evid. 702, 703, and under *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993).

Paul G. Cassell, S.J. Quinney College of Law at the University of Utah, Salt Lake City, Utah 84112

Will offer expert rebuttal testimony regarding the unreliability of the opinion of James Trainum on the issue of false confessions.

Plaintiff objects under Fed. R. Evid. 702, 703, and under *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993).

Defendants are contemplating calling a rebuttal witness to the testimony of plaintiff's expert Sanford Drob. The identity of the witness and all required Rule 26 discovery will be provided upon receipt.

Plaintiff preserves all objections to any as-of-yet-undisclosed rebuttal expert testimony.

Rebuttal witness testimony (in the event the Court permits the introduction of evidence regarding plaintiff's claim that other persons committed the murders).

Glenn Harris, last known address: 799 Canal Road, Mount Sinai, New York 11766

Will testify that his prior statements wherein he claimed that he was involved in the murders of Arlene and Seymour Tankleff with Joseph Creedon and Peter Kent are false and a complete fabrication.

Jay Salpeter, address known to plaintiff

Will testify regarding his investigation into possible other suspects in the murders of the Tankleffs, his interviews with Glenn Harris and other “witnesses” and his claimed discovery of a murder weapon (a length of pipe).

Plaintiff objects to rebuttal evidence from Mr. Salpeter on grounds of relevance, Fed. R. Evid. 401–402, hearsay, Fed. R. Evid. 802–803, and given its lack of probative value, as cumulative evidence, undue delay and a waste of time, under Fed. R. Evid. 403. Plaintiff also objects to the extent the rebuttal testimony Defendants intend to elicit constitutes privileged work product, or otherwise constitutes privileged information protected by Federal Rule of Civil Procedure 26(b)(3) or the common law.

The defendants further reserve their right to use such additional and unidentified witnesses for impeachment purposes and/or as may be warranted in response to the plaintiff’s direct case as the need arises. See FRCP Rule 26(d)(3).

9. Rule 32 Designations and Objections:

Designations for Plaintiff:

Plaintiff designates the following testimony, subject to redaction pending rulings on *in limine* motions and objection. Plaintiff reserves the right to introduce any deposition and trial testimony against any Defendant in his case in chief, and to use any prior sworn testimony of any witness for purposes of impeachment. Plaintiff reserves the right to utilize any and all designated deposition testimony listed by the defendants, as well as, any and all trial testimony from the plaintiff’s criminal trial subject to witness availability, the Federal Rules of Evidence, Rule 26 of Federal Rules of Civil Procedure and rulings on *in limine* motions and objections.:

Jerry Steuerma Trial Testimony

Direct: 885:13–15, 886:17–887:14, 887:25–888:15, 888:20–892:14, 893:5–897:4, 897:15–24, 900:7–14, 900:21–902:20, 905:14–24, 906:1–907:22

Cross: 917:8–921:25, 924:3–926:7, 927:5–9, 929:16–930:2, 935:22–936:5, 937:25–938:25, 940:2–15, 940:23–941:11, 945:19–946:7, 951:16–23, 955:6–956:12, 956:17–957:5, 960:21–24, 963:7–965:3, 969:23–971:13, 973:13–16, 974:3–16, 977:7–10, 978:10–14, 984:17–23, 985:4–15, 986:8–987:11, 994:22–995:2, 996:17–19, 997:18–

998:18, 1010:15–21, 1011:23–1013:13, 1014:5–10, 1018:7–16, 1020:13–16, 1021:4–1022:3, 1022:12–22, 1027:2–1028:15, 1030:2–15, 1033:16–1034:3, 1035:4–21, 1041:3–1044:4, 1044:11–1045:8, 1046:12–1047:15, 1047:22–1048:17, 1051:22–1052:5, 1053:25–1054:12, 1078:11–1079:9, 1080:17–1082:10, 1084:8–15, 1084:19–23, 1085:20–1087:2, 1089:17–1091:21, 1092:15–25, 1118:8–15, 1121:4–1122:2, 1133:5–1135:5, 1136:21–1137:12, 1138:7–1139:17, 1141:14–1143:11, 1144:14–25, 1145:7–23, 1146:6–1148:21, 1150:8–1152:24, 1155:21–1156:13, 1166:13–20, 1181:2–25, 1182:8–1183:11, 1184:5–9, 1185:20–25, 1186:25–1187:25, 1188:9–16, 1189:13–1193:2, 1193:12–1196:20, 1197:14–1204:16, 1205:12–1206:21, 1207:8–18, 1208:8–12, 1209:21–1213:21, 1214:17–24, 1216:20–1217:6, 1227:3–11

Defendants object to the extent that the entire testimony should be admitted for continuity.

Jerry Steuerman Videotaped Deposition Testimony

5:24–6:5, 6:20–21, 7:19–22, 9:6–13, 11:15–20:17, 20:24–21:24, 22:12–26:7, 26:13–24, 27:9–28:21, 29:3–30:4, 30:19–24, 31:18–35:23, 37:2–40:13, 40:16–21

Defendants object on the grounds of hearsay.

Todd Steuerman Videotaped Deposition Testimony

7:22–8:18, 10:8–11:16, 12:17–13:3, 13:9–32:17, 33:20–34:16

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Joseph Creedon Videotaped Deposition Testimony

7:23–25, 8:2–12, 8:20–22, 9:13–17, 14:22–25, 15:2–3, 15:14–24, 16:6–16, 17:20–23, 18:18–25, 19:2, 19:4–5, 19:22–25, 20:2, 21:13–20, 22:4–15, 23:15–19, 24:4–9, 25:2–6, 25:21–24, 26:13–20, 27:11–17, 27:24–25, 28:2–4, 28:13–15, 32:16–24, 36:13–19, 36:23–25, 37:2–3, 37:25, 38:2–25, 39:2, 39:7–15, 40:2–8, 40:21–25, 41:2–8, 41:12–21, 42:13–16, 42:23–25, 43:2–4, 43:21–24, 44:4–6, 45:7–24, 46:25, 47:2–14, 47:18–25, 48:2, 48:11–19, 48:21–25, 49:2–9, 49:19–24, 50:6–20, 51:24–25, 52:2–19, 53:3–20, 54:6–17, 56:17–24, 58:25, 59:2–25, 60:2, 60:22–25, 61:2–5, 61:14–25, 62:2–5, 63:23–25, 64:2–5, 66:6–16, 66:24–25, 67:2–14, 69:18–25, 70:2–4, 70:24–25, 71:2–10, 71:13–18, 73:3–9, 74:2–11, 75:275:2–11, 76:16–21, 77:4–9, 86:15–25, 88:17–24, 92:4–9, 92:13–19, 94:10–17, 95:3–10, 96:5–7, 96:22–25, 97:11–15, 98:2–5, 100:19–21, 101:8–10, 101:20, 101:23–25, 102:25, 103:2–3, 103:10–13, 105:24–25, 106:2–4, 107:15–17, 109:20–25, 110:7–12

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

Gaetano Foti Deposition Testimony

3:18–4:15, 5:13–6:9, 6:16–7:22, 9:1–11, 9:17–10:7, 28:16–29:6, 37:19–38:2, 40:2–10, 42:8–43:8, 46:21–47:3, 57:20–58:25

Defendants object on the grounds of relevance and hearsay, FRE 402, 403, 802

K. James McCready 1988 Grand Jury Testimony

K. James McCready 1989 *Huntley* Hearing Testimony

K. James McCready 1990 Trial Testimony

K. James McCready Videotaped Deposition Testimony

Deposition Designations for Defendants:

The defendants reserve the right to use deposition, and 50h hearing testimony, of the plaintiff in the instant matter on their case in chief and for the purpose of impeachment. Defendants reserve the right to use the criminal trial testimony of the plaintiff on their case in chief and for the purpose of impeachment. Defendants reserve the right to use plaintiff's deposition testimony in the matter of *Tankleff v. State of New York*, Claim No. 118655 taken on July 9, 2013, on their case in chief and for the purpose of impeachment.

Defendants intend to introduce the deposition testimony and criminal trial testimony of defendant K. James McCready on their case in chief as he is deceased.

Defendants intend to introduce on their direct case the trial testimony of civilian witnesses John McNamara and Donald Hines pursuant to FRE 804(a)(4) as both witnesses are deceased.

Plaintiff's Objections and Counter-Designations

Because Defendants have not designated their deposition testimony with any specificity, Plaintiff reserves the right to object to any and all proffered deposition testimony and to proffer counter-designations.

10. Exhibits and Objections:

Please note, by agreement, the parties have only listed exhibits to be used in the liability phase of this trial, reserving the designation of damages exhibits to a later date.

Plaintiff's Exhibits:

Plaintiff does not waive objections to any exhibits on this list and reserve the right to offer any exhibit listed on defendants' exhibit list. Plaintiff reserves the right to offer impeachment evidence not listed here as the circumstances of trial require.

Plaintiff requests that Defendants make all original exhibits and physical evidence from the underlying criminal trials, and police documents, available for use at trial

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
1	Joseph Creedon NYS Criminal Record		Relevance, FRE 402, 403, hearsay 802		
2	AG Interview w/Creedon 03/28/08		Relevance, FRE 402, 403, hearsay 802		
3	Interview with Richard Auspaker 07/17/08		Relevance, FRE 402, 403, hearsay 802		
4	Creedon affidavit dated 09/17/90		Relevance, FRE 402, 403, hearsay 802		
5	RCG Memo re Creedon 04/26/90		Relevance, FRE 402, 403, hearsay 802		
6	TS shooting reports dated 09/04/95		Relevance, FRE 402, 403, hearsay 802		
7	McElhorne Resume dated 06/03/99		Relevance, FRE 402, 403, hearsay 802		
8	SCPD Organization Chart				
9	Judge Namm Letter to Governor Cuomo dated 10/29/85		Relevance, FRE 402, 403, hearsay 802		
10	Commission of Investigation Resolution		Relevance, FRE 402, 403, hearsay 802		
11	The Confession Takers series dated December 1986		Relevance, FRE 402, 403, hearsay 802		
12	Commission of Investigation Report on Suffolk County dated April 1989		Relevance, FRE 402, 403, hearsay 802		
13	NYT Monell SCPD Investigation Article dated 01/29/87		Relevance, FRE 402, 403, hearsay 802		
14	NYT Diaz Article dated 02/02/87		Relevance, FRE 402, 403, hearsay 802		
15	Diaz Confession dated 06/21/84		Relevance, FRE 402, 403, hearsay 802		
16	McCready Diaz Supplemental Report dated 06/27/84		Relevance, FRE 402, 403, 404 hearsay 802		
17	McCready Cross at Diaz Trial re Photo		Relevance, FRE 402, 403, 404 hearsay 802		
18	McCready Cross at Diaz Trial Re Mugshot		Relevance, FRE 402, 403, 404 hearsay 802		
19	Steuermann Missing Person File dated 09/15/88				
20	SCPD News Release re Tankleff Murders dated 09/07/88				

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
21	McElhone Press Release re Martin Tankleff's Arrest dated 09/07/88				
22	Card Players Police Report dated 09/08/88				
23	Steuerman Interview Report dated 09/10/88				
24	Memo Book Pfalzgraf (SCDA002488 – SCDA002492)				
25	Rother Interview Report dated 09/08/88				
26	Pfalzgraf Cross (BW016353, BW016430 – BW016435)		Relevance, FRE 402, 403, hearsay 802		
27	Carmody Memo Book (BW002829, BW002843 – BW002844)				
28	Memo Book (SCPD001243 – SCPD001261)				
29	Report re Murder of Karen Schoendorf dated 08/01/88		Relevance, FRE 402, 403, 404 hearsay 802		
30	Report re Murder of Karen Schoendorf dated 10/31/88		Relevance, FRE 402, 403, 404 hearsay 802		
31	Det. Doyle's Trial Testimony (BW004957)		Hearsay, no objection for impeachment purposes		
32	Det. Doyle's Trial Testimony (BW004998)		Hearsay, no objection for impeachment purposes		
33	Det. Doyle's Trial Testimony (BW004969 – BW004970)		Hearsay, no objection for impeachment purposes		
34	Commission of Investigation Memo re Doyle Interview dated 07/30/08		Relevance, FRE 402, 403, hearsay 802		
35	Det. Doyle's Trial Testimony (BW004966)		Hearsay, no objection for impeachment purposes		
36	Det. Doyle's Trial Testimony (BW005063)		Hearsay, no objection for impeachment purposes		
37	Report from Det. McCready dated 09/14/88				
38	Det. Doyle Testimony from Huntley Hearing (BW004838)		Hearsay, no objection for impeachment purposes		
39	Martin Tankleff Arrest Sheet				
40	Report from Det. Carmody re Rother Interview dated 09/08/88				

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
41	Miranda Card Signed by Martin Tankleff				
42	SCPD Investigative Guide: Investigation-Homicide				
43	Report re Interview of Poker Players dated 09/08/88				
44	Report re Steuerman Interview dated 09/10/88				
45	Report re Marty Hova dated 10/18/88				
46	Report re McNamara Interview dated 10/18/88				
47	Report re Radelman & Goldschmidt Interviews dated 04/04/90				
48	Det. Doyle Handwritten Notes (BW020068 – BW020100)				
49	Handwritten Notes (SCDA002693 – SCDA002698)				
50	Continuation Report by Det. Rein (AG10009)				
51	SCPD 1984 Case Memo re Case Investigations		Relevance, FRE 402, 403, hearsay 802		
52	SCPD Internal Correspondence re Case #91-91 dated 04/15/92		Relevance, FRE 402, 403,404 hearsay 802		
53	Steuerman Missing Person Investigation Guide dated 09/15/88				
54	Steuerman Missing Person Report dated 09/16/88				
55	Steuerman Missing Person Report re Grundfast Interview dated 09/16/88				
56	DA Steuerman Press Release dated 09/29/88				
57	Tankleff Residence Model (AG011529)				
58	Steno Book Notes of Det. Doyle (SCDA002699 – SCDA002716)				
59	Photos of Master Bedroom				
60	Photos of Kitchen Area and Watermelon Knife				

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
61	Photos of the Office				
62	Memo re Kosciuk Interview dated 7/21/08		Relevance, FRE 402, 403, hearsay 802		
63	Photographs of Dumbbells				
64	Autopsy Photos				
65	Memo re Doyle Interview dated 7/30/08		Relevance, FRE 402, 403, hearsay 802		
66	Supplemental Report of Death Investigation dated 09/07/88				
67	Kosciuk Trial Testimony (BW011993, BW012019 – BW012021)				
68	Serology Report (AG000587 – AG000593)				
69	George Reich Lab report (AG000530)				
70	Kosciuk Court Testimony Notes		Hearsay, no objection for impeachment purposes		
71	Photograph of Blood Splatter				
72	Criminalistics Lab Report dated 09/07/88 (AG000525 – AG000532)				
73	Bauman Criminalistics Report for McCready dated 11/08/88				
74	Criminalistics Drawings dated 09/14/88 (SCDA015781 – SCDA015792)				
75	Criminalistics Laboratory Worksheet dated 09/14/88 (SCDA015763 – SCDA015766)				
76	Evidence Receipt (SCPD000901 – SCPD000903)				
77	Photograph of Blood on Desk				
78	Photos of Blood Smears and Knife Imprint				
79	Photos of Blood Stains (AG000078 – AG000097)				
80	Trace Evidence Report dated 01/07/89				
81	Investigation Division Memo dated 02/05/87		Relevance, FRE 402, 403, hearsay 802		
82	Photograph of Possible Handprint on Sheet				

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
83	Photographs of Desk Measurements				
84	Mitotyping Items Letter dated 02/26/01		Relevance, FRE 402, 403, hearsay 802		
85	Photograph of Blood Stained Sheet				
86	photographs of victim				
87	photograph of boxcutter		Defendants reserve the right to object to this demonstrative exhibit upon inspection.		
88	Criminalistics lab report dated 10/10/88				
89	Photo of Sheet				
90	Closeup of Sheet 1				
91	Closeup of Sheet 2				
92	Closeup of Sheet 3				
93	photo of sheet measurements 1				
94	Photo of sheet measurements 2				
95	Photo of sheet measurements 3				
96	Photo of sheet measurements 4				
97	Photo of sheet measurements 5				
98	Lab Worksheet with handwritten notes dated 09/14/88 (AG000651 – AG000652)				
99	Marty's First Unsigned Confession				
100	Baumann Trial Testimony (BW000640 – BW000766, BW000877 – BW001070)		Hearsay, no objection for impeachment purposes		
101	Report re Death Investigation dated 09/07/88				
102	Criminalistics Inventory Report dated 09/07/88				
103	Photos of Sheet Measurements				
104	Lab worksheet with drawing of night shirt				
105	Photos A-D				
106	Photo of pillowcase				
107	Criminalistics Trace Evidence Report dated 01/07/89				

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
108	Genna crime tests Photos 001 - 021				
109	Handwritten notes (pattern of chain link design) (AG000068)				
110	Notes of message from Genna to Collins (AG000070 – AG000076)		Hearsay, no objection for impeachment purposes		
111	Trial testimony of Genna		Hearsay, no objection for impeachment purposes		
112	AG memo of interview with Genna 08/14/08		Relevance FRE 402, 403, Hearsay, no objection for impeachment purposes		
113	Criminalistics Lab Worksheet Notes dated 01/07/89 (AG018566 – AG018567)				
114	Photograph of Fingerprint in blood				
115	Photo of slash marks in sheets				
116	Handwritten notes (SCDA002713 – SCDA002714)				
117	Diagram of Tankleff Home (AG019209)				
118	Photos of bathroom				
119	Handwritten notes (AG012623 – AG012642)				
120	Handwritten notes (BW004508)				
121	Doyle Trial testimony		Hearsay, no objection for impeachment purposes		
122	Supp. Report 090888 (#2)				
123	AG + Carmody Interview		Relevance FRE 402, 403, Hearsay, no objection for impeachment purposes		
124	Deposition of Doyle				
125	Notes labeled as Carmody				
126	Lab note				
127	Collins Summation of Crime		Relevance FRE 402, 403, Hearsay, no objection for impeachment purposes		
128	Vernard Adams direct from criminal trial		Hearsay, no objection for impeachment purposes		

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
129	Mito testing results		Relevance, FRE 402, 403, hearsay 802		
130	Investigative Memo 0729686				
131	Response to Request for Discovery		Hearsay, no objection for impeachment purposes		
132	McCready Trial Testimony				
133	Oral statements by Marty Tankleff				
134	Continuation of unknown report pgs 2-14				
135	Reservation of rights card				
136	Jablonski hearing testimony		Hearsay, no objection for impeachment purposes		
137	Handwritten notes				
138	Unknown Police Report Page 2-3				
139	Interoffice letter re taped conversations		Hearsay, no objection for impeachment purposes		
140	Letter to Jablonski		Hearsay, no objection for impeachment purposes		
141	Jablonski affidavit and accompanying docs		Hearsay, no objection for impeachment purposes		
142	Photo of house model				
143	Photo of blood on chair				
144	Crayne testimony		Hearsay, no objection for impeachment purposes		
145	Photo of red towel				
146	Photo of bed				
147	Photo of Marty Tankleff				
148	Photo of Marty Tankleff's Desk				
149	Divorce Documents		Relevance, FRE 402, 403, hearsay 802		
150	Affidavit for MT's Bail		Relevance, FRE 402, 403, hearsay 802		
151	NYAG Memo		Relevance, FRE 402, 403, hearsay 802		
152	Newsday Clips		Relevance, FRE 402, 403, hearsay 802		

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
153	Trial Transcript 03289		Object to entire trial transcript consistent with individual objections herein and subject to the provisions of FRE 804		
154	Newsday Story 051193		Relevance, FRE 402, 403, hearsay 802		
155	Shari Mistretta's Statement 010408				
156	Probate Proceeding about Seymour Tankleff Will		Relevance, FRE 402, 403, hearsay 802		
157	Probate Decree about Seymour Tankleff Will		Relevance, FRE 402, 403, hearsay 802		
158	Documents re Rother Associates		Relevance, FRE 402, 403, 404 hearsay 802		
159	Transcript of Rother Interview by McCready		Relevance, FRE 402, 403, 404 hearsay 802		
160	Lato Handwritten notes		Relevance, FRE 402, 403, hearsay 802		
161	Printout of Digger O'Dells		Relevance, FRE 402, 403, hearsay 802		
162	Memorandum re Interview Detective Pfalzgraf		Relevance FRE 402, 403, Hearsay, no objection for impeachment purposes		
163	Pfalzgraf notes 041414				
164	Pfalzgraf trial testimony 041414		Relevance FRE 402, 403, Hearsay, no objection for impeachment purposes		
165	Notice of claim of O'Connor Klien		Relevance FRE 402, 403, 404 Hearsay 802		
166	Probation Report				
167	Page of Trial Testimony Rein		Hearsay, no objection for impeachment purposes		
168	Handwritten notes				
169	Supp. Report Dates 030890				

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
170	Excerpt of trial testimony		Hearsay, no objection for impeachment purposes		
171	Police officer notes 012215				
172	Handwritten notes				
173	Supp Report dated 090888				
174	Supp Report dated 091088				
175	Excerpt from trial testimony				
176	Handwritten notes				
177	Email to NYAG		Relevance FRE 402, 403, Hearsay 802		
178	NYAG report on interview		Relevance FRE 402, 403, 404 Hearsay 802		
179	Probate File—Seymour Tankleff		Relevance FRE 402, 403, Hearsay 802		
180	Seymour Tankleff's 1985 Last Will and Testament		Relevance FRE 402, 403, Hearsay 802		
181	Arlene Tankleff's 1985 Last Will and Testament		Relevance FRE 402, 403, Hearsay 802		
182	Selected DOC records		Hearsay 802		
183	Suffolk County Police Reports				
184	Selected Prison Correspondence		Relevance FRE 402, 403, Hearsay 802		
185	Selected Seymour Tankleff Photographs				
186	Selected Arlene Tankleff Photographs				
187	Articles re. Martin Tankleff		Relevance FRE 402, 403, Hearsay 802		
188	Law School Recommendations		Relevance FRE 402, 403, Hearsay 802		
189	CV of Michael T. Cliff, Ph.D.		Hearsay, no objection to refresh recollection		
190	CV of Sanford L. Drob, Ph.D.		Hearsay, no objection to refresh recollection		
191	CV of T. Randolph Harris		Hearsay, no objection to refresh recollection		
192	Memo and notes re Glenn Harris		Relevance FRE 402, 403, Hearsay 802		
193	Documents from Tankleff safe				
194	Documents from Seymour's Desk/Note				
195	Disciplinary Record		Relevance FRE 402, 403, 404 Hearsay 802		

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
196	Karlene Kovac's Affidavit		Relevance FRE 402, 403, Hearsay 802		
197	Superior Court Information		Relevance, FRE 402, 403, 404, hearsay 802		
198	Police Draft Supplementary Report				
199	Police Logbook				
200	C.V. of Michael Baden		Hearsay, no objection to refresh recollection		
201	Map of Area				
202	C.V. of James Trainum		Hearsay, no objection to refresh recollection		
203	C.V. of Timothy Palmbach		Hearsay, no objection to refresh recollection		
204	Letter from Glenn Harris		Relevance, FRE 402, 403, hearsay 802		
205	Theresa Covias' Affidavit		Relevance, FRE 402, 403, hearsay 802		
206	John Guarascio's Affidavit		Relevance, FRE 402, 403, hearsay 802		
207	Demp's Affidavit		Relevance, FRE 402, 403, hearsay 802		
208	Visitor's Log Riverhead		Hearsay, no objection to refresh recollection, or to impeach		
209	Parole Worksheet		Relevance, FRE 402, 403, hearsay 802		
210	C.V. of Matthew Marvin		Hearsay, no objection to refresh recollection		
211	June 2015 Affidavit of Mike Carmody		Hearsay, no objection for impeachment purposes		
212	Sadie Konopski's Affidavit		Relevance, FRE 402, 403, hearsay 802		
213	Robert Mineo's Affidavit		Relevance, FRE 402, 403, hearsay 802		
214	Police Blotter				
215	Master Name Index Database Printout				

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
216	Prison Chronological History				
217	June 2015 Affidavit of Norman Rein		Hearsay, no objection for impeachment purposes		
218	June 2015 Affidavit of Robert Doyle		Hearsay, no objection for impeachment purposes		
219	Photo of Maryann, Theresa, Jose Creedon, his children in FL		Relevance, FRE 402, 403, hearsay 802		
220	Car rental agreement (Billy Ram)		Relevance, FRE 402, 403, hearsay 802		
221	Creedon's Telephone Bill		Relevance, FRE 402, 403, hearsay 802		
222	Surrogate's Court Petition for Appointment of Conservator		Relevance, FRE 402, 403, hearsay 802		
223	Summons Estate of Tankleff v. Steuerman dated November 18, 1988		Relevance, FRE 402, 403, hearsay 802		
224	Affirmation of Fox Opposing Newsday dated December 20, 1988		Relevance, FRE 402, 403, hearsay 802		
225	Affirmation of Besunder Opposing Newsday dated December 21, 1988		Relevance, FRE 402, 403, hearsay 802		
226	Fox Probate Transcript dated December 21, 1988		Relevance, FRE 402, 403, hearsay 802		
227	Decision regarding Newsday Access to Probate Proceeding dated December 22, 1988		Relevance, FRE 402, 403, hearsay 802		
228	Gilmore Testimony dated January 16, 1989		Relevance, FRE 402, 403, hearsay 802		
229	Shari's Objections to Probate dated January 16, 1989		Relevance, FRE 402, 403, hearsay 802		
230	Demand for Bill of Particulars dated January 27, 1989		Relevance, FRE 402, 403, hearsay 802		
231	Falbee to Fox regarding Estate dated April 08, 1989		Relevance, FRE 402, 403, hearsay 802		

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
232	Rother Answer to Demand for Bill of Particulars dated April 19, 1989		Relevance, FRE 402, 403, hearsay 802		
233	Order Application and Petition for Inquiry regarding Rother dated August 11, 1989		Relevance, FRE 402, 403, hearsay 802		
234	Ron Rother Answer dated September 27, 1989		Relevance, FRE 402, 403, hearsay 802		
235	Shari Rother Answer dated September 27, 1989		Relevance, FRE 402, 403, hearsay 802		
236	Fox to Gottlieb Letter regarding Estate dated June 13,		Relevance, FRE 402, 403, hearsay 802		
237	Tankleff Decree of Probate dated November 12, 1991		Relevance, FRE 402, 403, hearsay 802		
238	Tankleff Stipulation of Settlement				
239	Seymour Tankleff's Hofstra Agreement 1973		Relevance, FRE 402, 403, hearsay 802		
240	Exhibit 1 to Expert Report of Michael T. Cliff: Summary of Lost Legal Earnings				
241	Exhibit 2 to Expert Report of Michael T. Cliff: Summary of Business Earnings Value as of 08/15/17				
242	Exhibit 3 to Expert Report of Michael T. Cliff: Summary of Income from Direct Inheritance and Hofstra Trust Value as of 08/15/17				
243	Exhibit 4 to Expert Report of Michael T. Cliff: Lost Legal Earnings 7 th Percentile Wages in New York County Value as of 08/15/17				
244	Exhibit 5 to Expert Report of Michael T. Cliff: Lost Legal Earnings 75 th Percentile Wages in New York State Value as of 08/15/17				

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
245	Exhibit 6 to Expert Report of Michael T. Cliff: Lost Legal Earnings Median Wages in New York County Value as of 08/15/17				
246	Exhibit 7 to Expert Report of Michael T. Cliff: Lost Legal Earnings Median Wages in New York State Value as of 08/15/17				
247	Exhibit 8 to Expert Report of Michael T. Cliff: Lost Legal Earnings 25 th Percentile Wages in New York County Value as of 08/15/17				
248	Exhibit 9 to Expert Report of Michael T. Cliff: Lost Legal Earnings 25 th Percentile Wages in New York State Value as of 08/15/17				
249	Exhibit 10 to Expert Report of Michael T. Cliff: Lost Business Earnings 75 th Percentile Wages in New York County Value as of 08/15/17				
250	Exhibit 11 to Expert Report of Michael T. Cliff: Lost Business Earnings 75 th Percentile Wages in New York State Value as of 08/15/17				
251	Exhibit 12 to Expert Report of Michael T. Cliff: Lost Business Earnings Median Wages in New York County Value as of 08/15/17				
252	Exhibit 13 to Expert Report of Michael T. Cliff: Lost Business Earnings Median Wages in New York State Value as of 08/15/17				
253	Exhibit 14 to Expert Report of Michael T. Cliff: Lost Business Earnings 25 th Percentile Wages in New York County Value as of 08/15/17				

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
254	Exhibit 15 to Expert Report of Michael T. Cliff: Lost Business Earnings 25 th Percentile Wages in New York State Value as of 08/15/17				
255	Exhibit 16 to Expert Report of Michael T. Cliff: ANNUAL Wage percentiles New York State Lawyers 1996-2016				
256	Exhibit 17 to Expert Report of Michael T. Cliff: Annual Wage Percentiles New York County Lawyers 1996-2016				
257	Exhibit 18 to Expert Report of Michael T. Cliff: Growth in Average Annual Pay Offices of Lawyers 1996-2016				
258	Exhibit 19 to Expert Report of Michael T. Cliff: Annual Wage Percentiles New York State Management Occupations 1993-2016				
259	Exhibit 20 to Expert Report of Michael T. Scott: Annual Wage Percentiles New York County Management Occupations 1993-2016				
260	Exhibit 21 to Expert Report of Michael T. Cliff: Growth in Average Annual Pay Professional and Business Services 1993-2016				
261	Exhibit 22 to Expert Report of Michael T. Cliff: Estate Balances				
262	Exhibit 23 to Expert Report of Michael T. Cliff: Hofstra Trust Past Income to M. Tankleff 1989-2017				
263	Exhibit 24 to Expert Report of Michael T. Cliff: Lost Income and Investment Past Hofstra Trust Income as of 08/15/17				
264	Exhibit 25 to Expert Report of Michael T. Cliff: Hofstra Trust				

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
	Future Lost Income and Investment as of 08/15/17				
265	Exhibit 26 to Expert Report of Michael T. Cliff: Lost Income and Investment Direct Inheritance as of 08/15/17				
266	Exhibit 27 to Expert Report of Michael T. Cliff: Future Value Factors as of 08/15/17				
267	Notes and Reports Produced from Interviews of Mr. Tankleff by Dets. McCready, Rein & Doyle on 09/07/88				
268	Transcript of the 911 Call Placed by Martin Tankleff on 09/07/88				
269	Complete Set of SCPD Reports, Witness Statements, Notes, and Diagrams from the Investigation of the Murders of Arlene and Seymour Tankleff Produced in Discovery				
270	Arlene Tankleff's Report of Autopsy (BW 1292-300)				
271	Arlene Tankleff's Summary Report (BW 1302)				
272	Arlene Tankleff's Toxicologic Report (BW 1317)				
273	Arlene Tankleff's Charts and Notes (AG 8819-23) (AG 8835-43)				
274	Arlene Tankleff's Certificate of Death (AG 8844).				
275	Seymour Tankleff's Report of Autopsy (BW 1075-84) (AG 8945-53) (AG 8969-77)				
276	Seymour Tankleff's Summary Reports (BW 1085) (AG 8968)				
277	Seymour Tankleff's Toxicologic Report (AG 8959)				
278	Seymour Tankleff's Diagrams and Notes (AG 8954-8)				
279	Seymour Tankleff's Ambulance Report (SCDA 8134-7)				

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
280	Seymour Tankleff's Certificate of Death (AG 8967)				
281	Seymour Tankleff's Reports from University Hospital (BW 1160-2) (AG 8960-6)				
282	All Suffolk County Medical Examiner's Office Crime Lab Notes, Diagrams, and Reports regarding the Processing of the Crime Scene from Forensic Testing of Physical Evidence and the Investigation into the Murders of Arlene and Seymour Tankleff produced in discovery				
283	All photographs taken by the Suffolk County Police Department into the investigation of the murders of Seymour and Arlene Tankleff produced in discovery.				
284	All photographs taken by the Suffolk County Medical Examiner's Office into the investigation of the murders of Seymour and Arlene Tankleff produced in discovery.				
285	SCPD Crime Scene Procedures-Homicide/Major Cases (SC001089-92)				
286	Trial Testimony of Det. Norman Rein (SCDA014260-89)		Hearsay, no objection for impeachment purposes		
287	Trial Testimony of Martin Tankleff (BPC003517-3695)				
288	[INTENTIONALLY LEFT BLANK]				
289	New York Commission of Investigation: Interview of Daniel T. Hayes (SIC 398304-286-291).				
290	New York Commission of Investigation: Interview of		Rother -Hearsay, no objection for impeachment purposes		

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
	Ronald Rother (SIC 398304-352-362) Interview reports from the New York Attorney General's Office reinvestigation: Interview of James McCready (AG 20186-94)		McCready - hearsay 802		
291	Interview reports from the New York Attorney General's Office reinvestigation: Interview of Norman Rein (SIC 398304-0235-40)		Hearsay, no objection for impeachment purposes		
292	Interview reports from the New York Attorney General's Office reinvestigation: Interview of Robert Doyle (SIC 398304-269-75)		Hearsay, no objection for impeachment purposes		
293	Interview reports from the New York Attorney General's Office reinvestigation: Interview of Charles Kosciuk (SIC 398304-276-280)		Hearsay, no objection for impeachment purposes		
294	Interview reports from the New York Attorney General's Office reinvestigation: Interview of James McNamara (AG 20195-6) (AG 10366)		Hearsay, no objection for impeachment purposes		
295	<i>When Suspects are Abused</i> , National Law Journal (June 1979)		Relevance, FRE 402, 403, hearsay 802		
296	<i>Report of the Civil Rights Committee on Allegations of Police Brutality in Suffolk County</i> , Suffolk County Bar Association (SIC 680869-0105-187)		Relevance, FRE 402, 403, hearsay 802		
297	Documents from <i>Tankleff v. Suffolk County, et al.</i> : The Complaint in this case filed March 24, 2009				
298	[INTENTIONALLY LEFT BLANK]				
299	Documents from <i>Tankleff v. Suffolk County, et al.</i> : The final		Hearsay, no objection to refresh recollection		

PLAINTIFF'S LIABILITY EXHIBIT LIST

Ex #	Description	Stipulated	Defendant Objection	ID	Evid.
	expert report of Timothy M. Palmbach dated Feb. 9, 2015				
300	The deposition testimony and exhibits in this case of James McCready on Dec. 11 and 12, 2012				
301	The deposition testimony and exhibits in this case of Norman Rein on Dec. 10 and 11, 2012		Hearsay, no objection for impeachment purposes		
302	The deposition testimony and exhibits in this case of Robert Doyle on Dec. 8, 2011 and Nov. 14, 2012		Hearsay, no objection for impeachment purposes		
303	The deposition testimony and exhibits in this case of John McElhone on Dec. 2, 2011 and Oct. 30, 2014		Hearsay, no objection for impeachment purposes		
304	[INTENTIONALLY LEFT BLANK]				
305	The deposition testimony and exhibits in this case of Charles Kosciuk on Oct. 2 and Nov. 25, 2013, along with notes and diagrams created by Charles Kosciuk at the time of the investigation and produced to Plaintiff on Oct. 18, 2013		Hearsay, no objection for impeachment purposes		
306	The deposition testimony and exhibits in this case of Robert Baumann on July 18, 2014		Hearsay, no objection for impeachment purposes		
307	The deposition testimony and exhibits in this case of Vernard Adams on Aug. 5, 2014		Hearsay, no objection for impeachment purposes		
308	The deposition testimony and exhibits in this case of Edward Jablonski on Dec. 2, 2014		Hearsay, no objection for impeachment purposes		
309	[INTENTIONALLY LEFT BLANK]				
310	Resume of Martin Harold Tankleff		Hearsay, no objection to refresh recollection		
311	Social Security Administration, Social Security Statement for Martin H. Tankleff, August 14, 2017		Hearsay, no objection to refresh recollection		

PLAINTIFF'S LIABILITY EXHIBIT LIST

<u>Ex #</u>	<u>Description</u>	<u>Stipulated</u>	<u>Defendant Objection</u>	<u>ID</u>	<u>Evid.</u>
312	Selected damages photographs				

DEFENDANTS' LIABILITY EXHIBIT LIST

<u>Ex #</u>	<u>Description</u>	<u>Stipulated</u>	<u>Plaintiff Objection (by FRE number)</u>	<u>ID</u>	<u>Evid.</u>
A1.	911 call recording				
A2.	911 call transcript				
B.	McCready Supplemental Report, 9/14/88		402, 403, 802, 803, 805		
D.	Notes of Oral Confession of Martin Tankleff		402, 403, 802, 803, 901		
E.	Stand up Photo of Plaintiff, Trial Exhibit #11				
F.	Mug Shot of Plaintiff		402, 403		
G.	Sketch of Arlene's Room, Trial Exhibit #169		402, 403, 901		
H.	Sketch of Plaintiff's Room, Trial Exhibit #168		402, 403, 901		
J.	Sketch of Parked Cars, Trial Exhibit #167		402, 403, 901		
K.	Miranda Rights Card		402, 403		
L.	Exemplar Consent Form, Trial Exhibit 171		402, 403		
M.	Photo of Blood on Plaintiff, Trial Exhibit 150		402, 403		
N.	Unsigned Written Confession of Martin Tankleff, Trial Exhibit 172		402, 403, 802, 803, 901		
O.	Prisoner Activity Log		402, 403		
P.	710.30 Notice with statements of Martin Tankleff		402, 403, 802, 803		
Q.	Photo of Knife on Kitchen Counter, Trial Exhibit #'s 96-97				
R.	Anderson Supplemental Report 9/8/88		402, 403, 802, 803, 805		
S.	Rein Supplemental Report 9/10/88		402, 403, 802, 803, 805		
T.	Rein Supplemental Report 9/11/88		402, 403, 802, 803, 805		
U.	McCready Supplemental Report 10/18/88		402, 403, 802, 803, 805		
V.	Two Rein Supplemental Reports 2/14/90		402, 403, 802, 803, 805		
W.	Rein Supplemental Report 4/4/90		402, 403, 802, 803, 805		

DEFENDANTS' LIABILITY EXHIBIT LIST

<u>Ex #</u>	<u>Description</u>	<u>Stipulated</u>	<u>Plaintiff Objection (by FRE number)</u>	<u>ID</u>	<u>Evid.</u>
X.	Autopsy Reports for Arlene and Seymour Tankleff		402, 403, 802, 803, 805		
Y.	Autopsy photos for Arlene and Seymour Tankleff		402, 403, 802, 803, 805		
Z.	Barbells recovered at 33 Seaside Drive		402, 403, 901		
AA.	Model of Tankleff residence		402, 403, 901		
BB.	New York State Commission of Investigation Report, December 2008		402, 403, 802, 803, 805, 901		
CC.	Summons and Complaint		402, 403, 802, 803, 805		
DD.	Huntley Hearing Decision, May 5, 1989		402, 403, 802, 803, 805		
EE.	<u>People v. Tankleff</u> , 199 A.D.2d 550 (2nd Dept. 1993)		402, 403, 802, 803, 805		
FF.	<u>People v. Tankleff</u> , 84 N.Y.2d 992 (1994)		402, 403, 802, 803, 805		
GG.	<u>Tankleff v. Senkowski</u> , 993 F.Supp. 151 (E.D.N.Y 1997)		402, 403, 802, 803, 805		
HH.	<u>Tankleff v. Senkowski</u> , 135 F.3d 235 (2nd Cir. 1998)		402, 403, 802, 803, 805		
II.	<u>People v. Tankleff</u> , 49 A.D.3d 160 (2nd Dept. 2007)		402, 403, 802, 803, 805		
JJ.	July 22, 2008 Supreme Court Decision		402, 403, 802, 803, 805		
KK.	Crime Scene Video		402, 403, 802, 803, 901		
LL.	Mather Hospital Records for Seymour Tankleff/Ambulance Call report		402, 403, 802, 803, 805, 901		
MM.	Hand drawing house layout/Vinny Bove 9-7-88		402, 403, 901		
NN.	Hand drawing of knife/Vinny Bove 9-7-88		402, 403, 901		
OO.	Diagram southwest bedroom		402, 403, 901		

PHOTOS (with Criminal Trial Exhibit number)

PLAINTIFF OBJECTIONS: Plaintiff objects to each of the following proposed exhibits under Federal Rules of Evidence 402, 403, and 901.

DEFENDANTS' LIABILITY EXHIBIT LIST

	<u>Trial Ex. #</u>	
PP. 1	7.	Arlene Tankleff bedroom from hallway
PP. 2	8.	Arlene Tankleff bedroom from inside room
PP. 3	9.	Arlene Tankleff bedroom closet
PP. 4	10.	Arlene Tankleff bedroom desk and TV
PP. 5	11.	Martin Tankleff – stand up photo at precinct
PP. 6	12.	Doorway into office and card table
PP. 7	13.	Office/card table/TV
PP. 8	14.	Office/desk chair wide view
PP.9	16.	Arlene Tankleff on floor
PP. 10	17.	Office – large pillow/backrest in foreground
PP. 11	18.	Office – sneakers on floor
PP. 12.	23.	Knife on counter by Watermelon
PP. 13	26.	Sliding door frame - Arlene Tankleff bedroom
PP. 14.	27.	Aerial photo residence
PP. 15	28.	Corner of sliding door frame – Arlene Tankleff bedroom
PP. 16.	29.	Track of door frame – Arlene Tankleff bedroom
PP. 17	35.	M. Tankleff bed w/towels
PP. 18	37.	Arlene Tankleff bed – remote in foreground (Arlene visible to left)
PP. 19	38.	Arlene Tankleff bed – left side/night stand
PP. 20	39.	Arlene Tankleff bed – left side/pillow & sheets
PP. 21	40.	Blood drop on wall/Arlene Tankleff bedroom
PP. 22	41.	Blood drop on wall/Arlene Tankleff bedroom
PP. 23	42.	Blood stain on bedsheet

DEFENDANTS' LIABILITY EXHIBIT LIST

PP. 24.	43.	Blood stains on pillow case (Crime lab tag # 6)
PP. 25.	44.	Blood stain on pillow case (Crime lab tag #5)
PP. 26	45.	Blood drop on flamingo picture
PP. 27	47.	Arlene Tankleff right forearm & hand
PP. 28	48.	Arlene Tankleff left forearm & hand
PP. 29	49.	Arlene Tankleff torso/left shoulder
PP. 30	50.	Arlene Tankleff torso
PP. 31	51.	Arlene Tankleff legs
PP. 32.	52.	Blood stains on rug
PP. 33	53.	Blood stains on bed skirt
PP. 34	54.	Blood stains & hair clump on bed
PP. 35	55.	Blood spatter on pillowcase
PP. 36	56.	Blood stains on side of mattress/sheets
PP. 37	57.	Blood stains on left side of mattress/sheets/night table
PP. 38.	58.	Arlene Tankleff left hand & forearm (tag #24)
PP. 39	59.	Arlene Tankleff at scene on ME sheet
PP. 40	62A.	Blood soaked clothing/underwear. Office floor (tag #26)
PP. 41	64.	Blood spatter on desk (tag #27)
PP. 42	68.	Measuring tape next to table in office w/harness race photo
PP 43	69.	Blood spatter on desk (tag #28)
PP. 44	70.	Blood spatter on door molding - office/with tape measure
PP. 45	71.	Blood stains on file cabinet (#30)
PP. 46	73A.	Office/desk front view

DEFENDANTS' LIABILITY EXHIBIT LIST

PP. 47	73B.	Office/desk from side
PP. 48	74A.	Blood spatter papers on desk (left)
PP. 49	74B.	Blood spatter papers on desk (center)
PP. 50	74C.	Blood spatter papers on desk (right)
PP. 51	74D.	Blood spatter desk phone
PP. 52	74E.	Blood spatter desk phone continuing to right
PP. 53	74F.	Desk drawers left side
PP. 54	74G.	Desk drawers phone cord
PP. 55	75.	Blood soaked clothing/desk chair
PP. 56	76A.	Blood spatter on ceiling
PP. 57	76B.	Close up blood spatter on ceiling
PP. 58	77A.	Blood spatter on ceiling/tape measure
PP. 59	77B.	Blood spatter on ceiling/tape measure close up
PP. 60	78A.	Phone in living room
PP. 61	78B.	Living room/chair in center
PP. 62	78C.	Living room/couch to left
PP. 63	78D.	Knife on counter near living room
PP. 64	78E.	Chair in front of shelf
PP. 65	78F.	Computer desk plaintiff's bedroom
PP. 66	78G.	Chair back/clothing on rack to left
PP. 67	79.	Dead bolt/garage door entry
PP. 68	80A.	Top of leather chair office – bloodstains
PP. 69	80B.	Seat of leather chair office

DEFENDANTS' LIABILITY EXHIBIT LIST

PP. 70	80C.	Foot rest leather chair office
PP. 71	81.	Red towel on bathroom floor folded
PP. 72	83.	Red towels on rack in bathroom
PP. 73	86.	Bathtub stopper & connector
PP. 74	88.	Loofah sponge in corner of tub
PP. 75	90.	Wall plaintiff's bedroom/light switch/photo of plaintiff on wall
PP. 76	91.	Light switch plaintiff's bedroom – Blood on wall
PP. 77	93.	Barbells in plaintiff's bedroom
PP. 78	96.	Close up knife by watermelon
PP. 79	97.	Close up by sink
PP. 80	101.	Towel on plaintiff's bed
PP. 81	105.	Close-up items on plaintiff's computer desk
PP. 82	106.	Binoculars on shelf plaintiff's bedroom
PP. 83	108.	Small tap hammer in box
PP. 84	110.	Framing hammer (crime lab tab #53)
PP. 85	114.	Drawer items in drawer (crime lab tag #58)
PP. 86	117.	Loofah sponge in corner of tub
PP. 87	118.	Cuts in leather of chair
PP. 88	119.	Sneakers w/blood stains
PP. 89	120.	Polaroid of Hair follicle
PP. 90	139A.	7 Polaroid photos red towel at crime lab
PP. 91	140A.	2 Polaroid photos wash cloth at crime lab
PP. 92	141A.	2 Polaroid photos – white towel

DEFENDANTS' LIABILITY EXHIBIT LIST

PP. 93	142.	Blood on rug in office/Blood stained cloths/chair
PP. 94	143.	Crime lab photo #4 Blood pattern sheet
PP. 95	144.	Crime lab photo #5 Blood patterns pillow case
PP. 96	145A.	Crime lab photo #6 Blood pattern QP1
PP. 97	145B.	Crime lab photo #6 Blood pattern QP2
PP. 98	145C.	Crime lab photo #6 Blood pattern QP3
PP. 99	145D.	Crime lab photo #6 Blood pattern QP4
PP. 100	146A.	Crime lab photo #20 Blood pattern QP1
PP. 101	146B.	Crime lab photo #20 Blood pattern QP2
PP. 102	147A.	Crime lab photo #25A Blood pattern QP1
PP. 103	147B.	Crime lab photo #25A Blood pattern QP2
PP. 104	147C.	Crime lab photo #25A Blood pattern QP3
PP. 105	147D.	Crime lab photo #25A Blood pattern QP4
PP. 106	148.	Crime lab drywall cut out blood pattern
PP. 107	150.	Picture of blood stains on plaintiff's right shoulder
PP. 108	151.	Mug shot of plaintiff
PP. 109	152.	Rack stereo system
PP. 110	153.	Glass on top of Rack stereo system
PP. 111	154.	China cup on table
PP. 112	155.	Storm door frame
PP. 113	156.	View up driveway
PP. 114	157.	Sliding doors
PP. 115	158.	Sink and faucet

DEFENDANTS' LIABILITY EXHIBIT LIST

PP. 116	159.	Faucet close up
PP. 117	160.	Exterior door back of house
PP. 118	161.	Wide shot - plaintiff on hood of car – with Det. McCready and Det. Doyle
PP. 119	162.	Closer shot - plaintiff on hood of car – with Det. McCready and Det. Doyle
PP. 120	163.	Wide shot - plaintiff on hood of car – with Det. McCready and Det. Doyle
PP. 121	164.	Photo plaintiff on hood of car with Det. Rein and Det. Doyle
PP. 121	165.	Close up – photo plaintiff on hood of car with Det. Rein and Det. Doyle
PP. 122	166.	Wide shot – plaintiff on hood of car with Det. Rein and Det. Doyle
PP. 123	176.	ME photo – Arlene Tankleff right wrist
PP. 124	177.	ME photo – Arlene Tankleff left wrist
PP. 125	178.	ME Polaroid photo Arlene Tankleff neck
PP. 126	179.	ME Polaroid photo – Arlene Tankleff back
PP.127	181.	ME photo – Arlene Tankleff head
PP. 128	182.	ME photo – Arlene Tankleff head next to barbell
PP. 129	183.	ME photo end of barbell next to Arlene Tankleff's head
PP. 130	187.	ME photo – Seymour Tankleff head
PP. 131		Doorway to Plaintiff's bedroom (not used at criminal trial)
PP. 132		Wall in plaintiff's room and bed (not used at criminal trial)
PP. 133		Plaintiff's bed (not used at criminal trial)
PP. 134		Computer desk with barbells (not used at criminal trial)
PP. 135		Barbells shelf to the right (not used at criminal trial)
PP. 136		Barbells close up (not used at criminal trial)
PP. 137		Barbells looking down (not used at criminal trial)

DEFENDANTS' LIABILITY EXHIBIT LIST

FOR REBUTTAL AND IMPEACHMENT IF NECESSARY

QQ. Video tape interview of Glenn Harris, September 4, 2014

This potential exhibit has not yet been disclosed, and Plaintiff reserves any and all objections to its admissibility.

Defendants further reserve the right to object to Plaintiff's exhibits at trial.

Defendants further reserve the right to amend their proposed schedules in response to the plaintiff's schedules.

Dated: October 13, 2017
New York, NY

Respectfully submitted,

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